

## REMARKS

This Preliminary Amendment and the accompanying Request for Continued Examination ("RCE") are being filed in response to the Final Office Action mailed May 5, 2006. A check for \$790.00 to cover the RCE filing fee payment is included with this Amendment. If necessary, please charge any other fees for entry of this Amendment and RCE to our deposit account no. 03-3415.

Claims 1, 9, 17, 19 and 20 have been amended.

The Examiner has rejected applicants' claims 1-3, 7, 9-11, 15, 17, 19 and 20 under 35 USC § 103(a) as being unpatentable over the Lin, et al. (U.S. Pat. No. 6,757,428) patent in view of the Ikeda (U.S. Pat. No. 5,801,771) patent. With respect to applicants' claims, as amended, these rejections are respectfully traversed.

Applicants wish to thank the Examiner for the courtesies extended to applicants' undersigned attorney in the telephone interview conducted with the Examiner on July 24, 2006. During the interview, the Examiner has reviewed applicants' proposed amendments to applicants' independent claims 1 and 19, in which applicants' independent claim 1 has been amended to recite that the similarity calculating means "adopts maximum degree of similarity for each of the stored images as the degree of similarity between ~~a particular image~~ each of the stored images and the retrieval image" and claim 19 has been amended to recite "determination means for determining ~~single~~ maximum degree of similarity from the set of degrees of similarity as a degree of similarity between the retrieval source image and the selected image. The Examiner has indicated that applicants' independent claims 1, 9 and 17 would be allowable over the cited art, if the proposed amendments to claim 1 are incorporated in each of applicants' independent claims 1, 9 and 17. The Examiner has also

indicated that applicants' independent claims 19 and 20 would be allowable over the cited art if applicants' proposed amended independent claim 19 is further amended to recite "determining maximum degree of similarity for each of the stored images from the set of degrees of similarity" and applicants' independent claim 20 is amended to include the amendments to claim 19. The Examiner has further indicated that the preamble of applicants' independent claims 1, 9, 19 and 20 should be amended to state that the apparatus or method is "implemented in a computer system" and that the preamble of applicants' claim 17 should be amended to state that the control program is "being executed and implemented in a computer system."

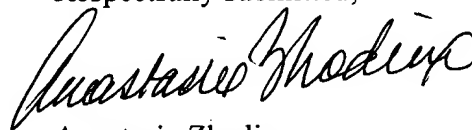
Applicants' have amended applicants' independent claims 1, 9, 17, 19 and 20 as suggested by the Examiner during the interview. Accordingly, applicants' believe that applicants' amended independent claims 1, 9, 17, 19 and 20, and their respective dependent claims, patentably distinguish over the cited Lin, et al. and Ikeda patents, and are now in condition for allowance.

In view of the above, it is submitted that applicants' claims patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims and passage of same and this application to issue is respectfully requested.

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Respectfully submitted,



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